

# **Central Administrative Tribunal Principal Bench, New Delhi**

O.A. No.646/2018

Friday, this the 9<sup>th</sup> day of February 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Mr. Uday Kumar Varma, Member (A)**

Shri Anil Kumar Khare  
s/o Sh. Charan Sewak Khare  
(Aged about 47 years) Group B  
Working as Engineering Assistant  
O/o Director, CPC Doordarshan, Khelgaon, New Delhi  
R/o H.No.349, Naraina Vihar  
New Delhi

..Applicant

(Mr. A K Bhakt, Advocate)

Versus

Union of India & others through

1. The Secretary  
Ministry of Information & Broadcasting  
Shastri Bhawan, New Delhi
2. The Director General  
All India Radio  
Akashwani Bhawan, Sansad Marg  
New Delhi
3. The Director  
CPC (Doordarshan)  
Khelgaon, New Delhi

..Respondents

(Dr. L C Singhi, Advocate for respondent No.1 –  
Mr. S M Arif, Advocate for respondent Nos. 2 & 3)

## **O R D E R (ORAL)**

**Justice Permod Kohli:**

Notice. Dr. L C Singhi, learned counsel and Mr. S M Arif, learned counsel, appear and accept notice on behalf of respondent No.1 and respondent Nos. 2 & 3 respectively.

2. The applicant is working as an Engineering Assistant w.e.f. 01.01.1996. He claims first financial upgradation under the Assured Career Progression (ACP) Scheme w.e.f. 01.01.2008. It is alleged that he was denied the said benefit. It is further the case of the applicant that one Mr. Praveen Kumar, who was appointed as Engineering Assistant w.e.f. 20.02.1996, has been given first financial upgradation w.e.f. 19.02.2008, and his pay has been fixed in accordance with the recommendations of 6<sup>th</sup> Central Pay Commission (CPC) w.e.f. 20.02.2008 in Pay Band – 2 ₹9300-34800 with Grade Pay of ₹5400/- in compliance of the order dated 01.02.2011 passed in O.A. No.514/2002 by the Patna Bench of this Tribunal. It is also mentioned that the said order has been affirmed by the Hon'ble High Court of Judicature at Patna in CWJC No.6451/2010 vide order dated 25.08.2010.

3. The applicant has also made a representation dated 01.11.2016, which is still pending with the respondents. Accordingly, the prayer is made for a direction to the respondents to consider the said representation of the applicant in accordance with the order passed by the Patna Bench of this Tribunal in O.A. No.514/2002.

4. Mr. S M Arif, learned counsel for respondent Nos. 2 & 3, however, submits that the judgment of the Patna Bench in O.A. No.514/2002 has been modified by the Hon'ble High Court of Judicature at Patna and in accordance with the directions issued by the High Court, notice has been issued to said Praveen Kumar, who is alleged to be junior to the applicant and has been granted first financial upgradation, for withdrawal of his first financial upgradation in a particular grade. His further submission is that

Mr. Praveen Kumar has already approached the Principal Bench of this Tribunal by filing O.A. No.477/2011 and an interim order is operating against the respondents. Be that as it may, the applicant has made a representation, which is required to be examined and decided by the respondents.

5. In the above circumstances, this O.A. is disposed of at the admission stage with direction to respondent No.2 to consider the aforesaid representation of the applicant in accordance with law, including the judgments referred to above, if applicable, and take a final decision and dispose of the same by passing a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

**( Uday Kumar Varma )**  
**Member (A)**

**( Justice Permod Kohli )**  
**Chairman**

**February 9, 2018**  
**/sunil/**